IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.455 OF 2003

The State of Maharashtra ...Appellant

Vs.

Sau.Parvati Bhiva Sajekar & Anr. ...Respondents

Shri A.S.Shitole, A.P.P. for the Appellant.
Mrs Anita Patil for the Respondent No.1.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 20, 2006.

P.C.:

1. I have heard the learned A.P.P. for the State on the question of grant of leave. The Respondents have been acquitted of the offences punishable under section 306, 498-A read with section 34 of the Indian Penal Code. The learned A.P.P. submitted that evidence of P.W.2 clearly establishes the prosecution case. He has invited my attention to various findings recorded by the learned Trial Judge.

2. I have considered the submissions. P.W.1, the father of the deceased and P.W.2 the sister of the deceased were the only two material witnesses examined by the prosecution. P.W.1 deposed that the deceased had narrated all the incidents of alleged ill-treatment by the accused persons to P.W.2. P.W.2 stated that the deceased had narrated the incidents of alleged

ill-treatment to P.W.1. Moreover, P.W.2 deposed only about two incidents of ill-treatment. The first one was four to five months prior to the suicide when the accused No.1 had thrown a bucket towards the deceased and had assaulted the deceased. The second incident narrated by the P.W.2 had taken placed eight days prior to the suicide. According to the P.W.2, the accused had quarrelled with the deceased by alleging that she had been to the house of her father in a tempo by sitting by the side of a mohammedan person and he suspected her character. There is no allegation of any demand made by any of the accused persons. The learned Judge has observed that the accused No.2 is the married sister-in-law of the deceased and except bare words there was no evidence on record to show that she was not staying at her own matrimonial house but she was staying with her parents. It is obvious that the view taken by the learned Trial Judge is a possible view which could have been taken on the basis of evidence on record.

3. No case is made for grant of leave. Appeal is dismissed.

JUDGE